

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JUXTACOMM-TEXAS SOFTWARE, LLC

PLAINTIFF,

v.

AXWAY, INC., et al,

DEFENDANTS.

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Civil Action No. 6:10-CV-00011-LED

JURY DEMAND

ORDER OF PARTIAL DISMISSAL

Before the Court is the Joint Motion to Partially Dismiss Plaintiff JuxtaComm-Texas Software, LLC's ("JuxtaComm") claims of willful infringement against Defendants Progress Software Corporation ("Progress") and IONA Technologies Limited ("IONA"), as set forth in Paragraph 46 of JuxtaComm's *First Amended Complaint for Patent Infringement* [Docket No. 173]; JuxtaComm's Prayers For Relief in Paragraphs b, f & g based on willful infringement as to Progress and IONA; and to dismiss Progress's and IONA's affirmative defenses of equitable estoppel, waiver and acquiescence as set forth in the Sixth Affirmative Defense of Progress's *Answer and Affirmative Defense to Plaintiff's First Amended Complaint and Counterclaims* [Docket No. 208] and the Sixth Affirmative Defense of IONA's *Answer and Affirmative Defense to Plaintiff's First Amended Complaint and Counterclaims* [Docket No. 206].

The Court being of the opinion that said motions should be GRANTED, it is hereby ORDERED, ADJUDGED AND DECREED that JuxtaComm's claims of willful infringement against Progress and IONA, and Progress's and IONA's affirmative defenses of equitable estoppel, waiver and acquiescence are hereby dismissed with prejudice as set forth herein above.

It is further ORDERED that each party shall bear its own costs, expenses, and attorneys' fees with regard to these claims and affirmative defenses.

So ORDERED and SIGNED this 28th day of November, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE